837 ceremony. If the husband is kindly disposed toward them, he gives back to his relative the valuables the latter has paid, and the incident is closed. [201]

That is what happened some time ago to Imfio, of Bokenyola (Bonjoku). (1) In the harem of his maternal uncle, Efonja Is Ôfuwa,

1. Now chief of the Bonkoso.

who was originally from Bonjoku but had been integrated into the Bongale, he had noticed a certain Mbilfeyenga, originally from Bosfé, and "his heart was rent asunder," as the Nkundó say. Through the agency of his older first cousins Mpenzi dâ Lingomo, ye sent Efonja a bompfngé of 6 rings, asking him to be kind enough to allow him to cohabit with this woman. His request was well received. But after a certain number of years their passion cooled, and Imfio wished to contract a proper marriage to give himself posterity. He therefore parted from Mbilé, who went back to her husband. The latter returned the 6 rings to Imfio, because he did not want to enrich himself at the expense of a relative.

Article III. The bosfié

828 587 768 The marriage of a bosfié is a special form of the inheritance of women.

The term bosfié is used everywhere. The Ntómbá also use a synonym, nkémé, an incorrect term derived from the verb émola, "to make [someone] get up." Thus they say émoja bóna nkémé, "to give the child (son, daughter) a bosfié. (2) Among the Bekoko and their

2. The Elanga tribes in the Lesanganya region also use this expression.

Elingé the term bomkôf is used as well as bosfié.

On the day when the widows are "lifted from the ground" and

428 permitted "to return to the bed," (3) all those entitled to the rights
55]
768

3. See "Les Coutumes funéraires des Nkundo" [The Funeral Customs of the Nkundó] (in press, Anthropos). The Elíngá perform this ceremony only a few days after the burial; the Boangi do so even before it. The Injolí are beginning to imitate the Elíngá.

of a father -- that is, those who have precedence, whether men or women -- gather with the sister's son to proceed with the ceremony. As always, each person yields his right to speak out of mutual respect. Finally, the eldest again has the floor [302]; it may be the deceased's father, brother, or paternal aunt (ndimomo). This individual who is in charge, makes a short speech appropriate to the occasion, and then gives one of the widows to the first-born of the children (ndimí). He takes the latter's preferences into account, having made sure of them in advance. The widow is given to him with the statement: "We have weaned for you the lowélé which your father has left you," tôkokumela lowélé lóká lá okumbélélá. The actual meaning of kuma is "to seize by pulling toward oneself, to pull up," and includes the idea of strength. The word is primarily used in such expressions as kuma hafío, "to pull up weeds," kuma ndílí, "to pull out feathers," etc. But it is also employed whenever anything is taken or pulled forcefully toward oneself, as in kuma mbombo, "to pull a chikwangue out of a heap."

The lowélé is always given to the first-born, regardless of sex, to the exclusion of the other children. If the eldest is a girl, she passes the lowélé on to her brother, first-born among the boys. This is a real seniority right, and it must be bought, or rather paid for, by the brother by giving his sister a present which most frequently consists of hens, money, small useful objects, or often a quantity of beer. The same rule applies if the eldest yields his right to a younger brother because the latter is passionately in love with her or -- nowadays -- because he does not want to take a second wife.

In addition a bŏwólí is also given to the bŏwánkíní. Only the eldest son of the sister whose bride price was used by the deceased may claim this right. If the bride price of the nephew's mother was not involved in the establishment of the harem which is to be divided, he is only entitled to a bowólí who is not someone else's nkita, that is, who was acquired by means of riches procured through the deceased's own efforts. If the deceased obtained wives with the bride prices of two sisters, both of whom have left sons, only the eldest son of the eldest sister has this right. (1) [203]

> 1. It may happen that one of the sons of the deceased is disinherited because of the rights of the bŏwánkíní. If that happens and the latter at least has a wife or can obtain the necessary valuables in his father's clan, he is supposed to yield the woman to his unfortunate cousin. This is a duty imposed by the love of family (lɔ́kɔ), and he may not evade it.

The practice of handing over a bowólí to relatives other than the son or daughter of the deceased seems to be an extension of a right originally reserved for his child.

The desires of the person entitled to the bowólí are taken into account when she is handed over. However, the eldest son can never obtain his father's favorite; only an elder brother may inherit her.

It is thus possible for a son to receive his own mother as bowólí, but only if there are no other widows and if he has no way of obtaining a wife. Naturally, he may not marry her. She is given to him so that when she remarries he will receive the amount of the bride price which will be repaid.

If the deceased leaves no harem but does leave a good deal of other wealth, the bowólí consists of some object of great value. This practice would seem to indicate that the word bowólí is applied to a woman only by an extension of its basic and original meaning, "inheritance by right of seniority."

As soon as the bonfili is assigned to the person entitled to her, she leaves the group of widows and goes to the home of her new husband. From then on she may cohabit with him, since from that moment the pair are absolved from the observance of the regulations and prohibitions of mourning. Because of her affection for her deceased husband and her sorrow, the woman sometimes begs her new husband to be patient and wait a while. Her wishes are respected, for a refusal to acquiesce would be a very serious offense, which could lead to an immediate rupture of the relationship.

The woman chosen as bonfili may refuse the husband for whom she is intended, though such cases are rare and in the past were even unknown. The following instance [204] goes back to 1932: Mpia of Mbanja "acquired" Bŏngongo of Ilŏngâ as wife for his eldest son, Bompelf. But the young man did not want her. So as not to waste his money, the father incorporated the woman into his harem. When the old man died, Bŏngongo was given to this same Bompelf as a bonfili. This time it was she who did not want him, and, to make matters worse, all the other widows also refused. Subsequently, a second cousin of Bompelf named Bodinjâ wanted to marry Bŏngongo. But out of spite, Bompelf did not want to yield her to him except against the payment of a bride price.

Even if the woman makes no objection -- and she generally does not -- and accepts the new husband without loving him, either out of indifference, or to be able to come out of seclusion, or for any other reason, she may always find a way to leave him, if she wishes, for another close relative whom she prefers. This fact indicates that, although theoretically the union of the bonfili is supposed to be more stable than a simple marriage by inheritance, in practice it is not, and it does not attain the degree of permanence characteristic of a marriage by okumbet. The reason is probably to be found in the fact that the union with a bonfili and the ordinary form of marriage by inheritance are fundamentally identical, and the rights of the family play a great role in both of them. The following is a recent case history: Ilongâ, daughter of Eudidîo of Bongangâ (botsuâ) and widow of Bolîdîlî of Bongîli was assigned as bonfili to her husband's eldest son, named Bonngo. Later she claimed that she did not love Bonngo but

that she wanted to become the wife of his brother Ekamba. Ekamba did not object. But very soon she broke this union as well. This time the chief decided she was going too far and to please Boongo, who had settled with his mother's clan of which he also was a member, he sentenced her to several weeks in prison. All sensible people approved of the chief's attitude. In spite of the suppression of such excesses, a suppression which is necessary, the woman's freedom is protected.

We have already indicated that from a moral point of view the marriage of a bondlé may be considered on the same level as the inheritance of any woman if she remains among the close kin of the deceased. The only difference is that such a union is somewhat more dificult to break.

Article IV. The Replacement or Substitution

When a marriage is broken, instead of completing the divorce by restitution of the bride price, the woman's family often has recourse to the practice of replacing the divorcée by one of her relatives (such as a sister, cousin, or niece). The act of replacement, as well as the woman substituted, is called bankitsɛ. (1) This name is plural noun de-

1. The Ekonda say nkitsɛ.

rived from kita, "to become," kitana, "to replace, to succeed." The singular would be linkitsɛ, but it is never applied to this situation.

The substitute usually does not object to the social obligation that falls upon her, unless she feels an unusual repugnance toward the husband. In that case an attempt is made to find someone else in the family. A family may go so far as to take one of its members away from her husband in order to substitute her for the divorcée, especially if no other substitute is to be found and if they care more about the marriage that has been broken than about her union.

The Nkundó give the following justifications for the practice of substitution:

Chapter VIII

Divorce

586× In Nkundó law there are two ways of breaking up a marriage, divorce and death. We will discuss these in two separate chapters.

In divorce a marriage is dissolved either through a reimbursement of the bride price or the substitution of another wife.

●[586] In the case of death, on the other hand, there is no bride price reimbursement; the wife's death ipso facto dissolves the marriage. The husband's death, on the contrary, does not dissolve it; it is continued with the widow until her own death or until divorce. (1)

1. This statement is to be understood in accordance with the explanation given in Chapter III, Article IX.

Article I. Reasons for Divorce

The Nkundó believe that a marriage can be dissolved. This cannot be done freely at the desire of the contracting parties but must conform to a procedure an essential component of which is the participation of the ndonga. It cannot be dissolved because of trivialities, but only for serious reasons, or at least reasons that appear serious to the natives.

The valid reasons for divorce can be reduced to the practical impossibility of the couple's continuing to live together, such as, 1) serious and repeated failures to fulfill conjugal duties, and especially any incorrigible tendency to adultery; 2) an incompatibility of temperaments which results in disputes, quarrels, and rows; 3) a grave and incurable illness. /377/

The first two causes inevitably lead to divorce. In the case of the third, a distinction must be made between a husband's illness and his wife's.

If the husband is ill and his wife abandons him for that reason, the divorce becomes complete when she remarries.

764 In every case at least a few beéngo in addition to the bombémbé and the botsá w'ílaká are always claimed. The latter payments can never be omitted. The belt is a payment made exclusively to the mother and by rights it goes to the mother's clan.

764 606 607 The higher the amount of these funeral payments, the more the son-in-law is welcome. The alliance is perfect. Therefore, not only will the wife's family reciprocate his fine feelings by adding a few more dogs, but in addition the son-in-law will be well received and successful in his application when, after the period of mourning, he brings the sum of the ibóleóko in order to obtain a substitute for the deceased. (2) In addition, if the relations with

2. See Chapter III, Article IV.

his in-laws have been excellent, he will easily obtain the substitute in advance, so that she can care for him during the entire mourning period.

764 689 There are severe sanctions against the omission of the funeral payments. [439] Neglecting to send the notification gift alone is enough to set these in motion. They are: the breaking off of the affinal relationship; the loss of the children, since the father's offense is equal to a repudiation; and finally molestation of the culprit by the spirit of the deceased. Thus at Bokátola (Bompela) one can find two boys, Botétsí and Ikembá, the children of Bonyongela of Ilángá and Etáka of Bokátola. They have now been incorporated into their mother's clan, because their father did not send a nsango. On stronger grounds the same is true for the whole nkunji.

Article V. The Social Position of a Widow

768 587 In Chapter III, Articles II and IV, we have already noted that in the eyes of the Nkundó, the death of the husband does not dissolve a marriage. The union continues, and even after mourning it is not broken ipso facto. Even to have the woman taken and treated as a wife by another man is not enough to end it. As

NB 587 long as there has been no restitution of the bride price, the widow continues to "belong" to the heirs of the deceased and to be their wife in the sense described in the chapter cited above, Article IX. The various forms in which this marriage can be continued post mortem have been described in Chapter III, Article II.

There we also saw that nothing prevents the widow from remarrying outside the inheriting family and therefore from becoming involved in a really new and different union. On the other hand, nothing obliges her to do so. She is entirely free. The only exception -- if this instance can be called an exception -- is a widow who is the object of a will, and a bosóló (Chapter III, Article II, in fine, and Article III). As to the latter, it is even difficult to consider her remarriage to the eldest son of the deceased as a limitation on her freedom. For although according to law it is obligatory, in practice it is voluntary and accompanied by guarantees of freedom that are adequate for ordinary cases. Indeed, it is known that she agrees [440] to this union. And she can always resort to divorce if later the heir disappoints her or if the continuation of the union becomes morally impossible.

It would be useless and tedious to repeat all that we have said on this subject in Chapter III. Let us simply reiterate that the distribution of widows should not be understood as a distribution of persons, depriving them of the freedom to be directed by their wills and their hearts, but rather as a distribution of the bride-price claims which they represent. The *legal* freedom to remarry remains as complete as it is when they are unmarried. This freedom may be subject to influences and even to real attacks, whose seriousness varies with the circumstances, but these are matters of fact and not of law.

If the widow considers herself -- or is considered -- too old for remarriage, or even if she desires to remain continent in faithfulness to her deceased husband, she may continue to reside with the clan of the deceased, instead of returning to her own family. The heirs usually do not oppose such an action and respect her wishes. If she has children or grandchildren there is no question about it; they are glad to keep their aged mother or grandmother near them.

Article VI. The Economic Position of a Widow

736 As long as her seclusion lasts, a widow continues to live
768 with the family of her deceased husband. She supplies herself with food from the crops she has grown. The tools her husband has given her remain in her hands, and she makes use of them as soon as she can. As to the various utensils which must be destroyed, they are replaced by others lent her by the family of the deceased, for she may no longer use those which served her in her husband's lifetime.

In order to better express the magnitude of their mourning, the Nkundó often refrain [441] from using the products of the farms established by the deceased. Therefore, instead of continuing to cultivate the existing crops of manioc and vegetables, the widow prefers to seek provisions in the fields of the close relatives of the deceased. Or a man who has already chosen her may place his fields at her disposal. If neither of these sources is available and she wishes to observe the rule rigorously, she must purchase what she needs in this realm.

736 As we have seen in Chapter VI, Article II, a widow has no
768 claim to the fruits of her labors. Neither the money she has earned
921 and which is intended for the common needs of the household, nor the crops she has set up, nor the fish she has caught, nor the caterpillars she has gathered in the forest belong to her. Everything goes to the heirs. Her property is limited to objects she may have received as her personal share in her daughter's bride price, or as some other payment belonging exclusively to the mother.

If the widow remains in the family of the deceased, however, her fields, tools, etc., are left to her, for under those conditions there is no reason to take them away from her. But if she
[781] remarries elsewhere, the heirs are pitiless. A Nkundó does not want the family wealth to be scattered or squandered in any way. The law says lokuru lɛkɛfɔ́ lɛ́ɛlɛwɔ́ lɔyɛmɔ́, "our patrimony can not be alienated."

736 In point of fact the widow is treated more favorably, at
781 least in the best instances. If her relations with the family have been good, they will not refuse her some small object that she

may wish to keep. In exemplary unions she is allowed to keep the mats she has woven with her own hands, and the goods she received from her husband -- fabrics, beads, hens, even goats and dogs, and even sometimes what she has acquired through joint efforts with her husband (crops, livestock) -- are divided equally. The division is usually carried out with a generous attitude toward the widow, and if there is only one object of a kind the tendency is to let her have it. [442] Such conduct springs from pure generosity, for -- as has already been said -- the woman has absolutely no claim. In the past it followed only upon extraordinarily happy unions, and particularly in consideration of the relationship between the two families and the affection of one of the immediate heirs for the widow.

At the present time the influence of the missions is increasing the number of instances of generosity toward the widow and starting an inclination to make it a general rule. Thus good Christian families -- if they are not thwarted by their pagan relatives -- leave the widow those objects she personally used, such as clothing, utensils, a trunk, and even a sewing machine.

Article VII. Economic Effects of Death

1. Bride price and dowry

The death of one of the spouses dissolves a marriage only from a certain point of view and only as a union between two specific individuals. A marriage is absolutely broken only by the death of both spouses (or by divorce).

Unlike divorce death does not bring about any repayment either of the bride price or of the dowry (nkɔmɛ). When the wife dies, all these payments remain in the hands of the respective parties. When a husband dies, the widow continues to belong to the heirs; she is part of the inheritance. The children belong to the father and his family; no new payment for them is necessary.

Therefore there is a very great difference between the consequences of divorce and of death. In divorce the bride price must be considered more or less like a deposit. In case of death, on the contrary, it remains permanently in the hands of those who have acquired it. This difference weakens the theory that maintains that the bride price is only a guarantee; rather, it tends to favor the theory that it is a compensation for the loss experienced by a clan when it gives one of its members in marriage. In case of divorce the clan's loss [443] is nullified, since the woman returns to her family or -- as is the usual outcome -- remarries and becomes the object of a new bride-price payment. The death of a woman, on the other hand, makes the clan's loss permanent rather than bringing an end to it. This does not mean that the bride price does not constitute a guarantee; in reality it is one. But this guarantee is an effect of the bride price, not the reason for its existence -- which is something altogether different.

2. Inheritance from the husband

Since we are not dealing with Nkundó property laws, the question of inheritance is not, strictly speaking, within the realm of our study. Nevertheless, we cannot refrain from saying a word about it, since the study of marriage must naturally contain a chapter on children. Thus we shall examine the question from that particular angle. What interests us here is knowing what rights children have over their father's inheritance. We have already dealt with the position of the widow in the preceding article.

The inheritance from the deceased includes three parts:

1) The bride-price valuables, that is, everything that is used chiefly to obtain a wife: copper and brass rings, iron objects, widows and daughters insofar as they represent bride-price valuables.

2) Domestic animals: goats, dogs, hens, ducks.

3) Real property: fruit trees, fields and crops, hunting enclosures, fishing places; and personal property: nets, hunting snares, bows and arrows, shields.

The bride-price valuables become the common property of the close relatives. Each one receives his share of the inheritance.

The widows are awarded to the brothers, uncles, and nephews (bĒnankánd) of the deceased, in accordance with their position in the group hierarchy and their respective rights, [444] which may derive from financial assistance lent to the deceased so that he could obtain one of his wives, or from the application of the nkita system. Rings (bakonga) and iron objects (bifeko) are distributed in the same manner. Similarly, unmarried daughters are assigned to various relatives -- that is, the "fathers" who preside at the division of the inheritance discus and specify which persons have the right to receive the bride-prices that will later be paid for them. Of the sons only the eldest receives a wife or a certain amount of bride-price valuables as bondo. (1)

1. Chapter III, Article III.

That is the traditional rule. Nowadays a far-reaching change has already taken place. The sons of the deceased are no longer excluded from the distribution. They are given either a wife, or a sufficient quantity of rings, or the right to the bride price of a sister or a cousin, if it is possible. For the rest see Chapter II, Article IV, 3 and Article XI, 3, 13, and Chapter IV, Article II.

The domestic animals go to the bĒnanyf, who take them home to their husbands and they are thus included in the amount of the dowry. A few goats, however, might be given to one of the men in the kin group who needs them to complete the payment of a bride price.

As to the other property (real or personal), they pass directly to the sons. The first born receives the lion's share and the most precious items, but the younger sons are not excluded in the distribution.

It should be noted that a will may affect this distribution by assigning a specific object to a given son, or by excluding one of the heirs with whom the deceased has had a serious quarrel. Such a will is always executed, because the Nkundó fear the vengeance of the deceased, who causes anyone guilty of an

infraction to follow him in death. It is obeyed even if [445] it is manifestly unfair. They fear reprisal by the deceased, such as that which is thought to have happened after the death of Iloko in Eleku'e of Lofelf. He had killed his own brother, Mpfunda dê nkoombale, [442] because the latter had tasted freshly brewed beer instead of leaving that honor to him -- an action which constituted an extremely serious offense. But since the punishment was out of all proportion to the act, the whole family united against the murderer, who was obliged to flee. At his death he disinherited all his brothers in favor of his sons. This will, considered unreasonable and unfair, was not respected; Iloko's only brother, Bondilê wê Wilima, took Bonyongi, the favorite, for himself. But he soon died, and his death was attributed to Iloko's vengeance. Several years ago the family met to finally settle the matter of the inheritance. The largest portion was set aside for Iloko's sons, but one part was awarded to other relatives who were not named in the excluding clause, which referred only to the Bankâ Bankongê, that is, to Iloko's own brothers.

Sons are never disinherited. If one of them behaves very badly toward his father, when the latter dies he refuses him his benediction (lokako w'ôfafa) and curses him lokako wê to yô.

3. Inheritance from the wife

As we have seen in Chapter VI, Article II, a wife has no rights of ownership over the fruits of her own labors or of the couple's joint efforts. Consequently, her family can make no claims as regards inheritance; there is nothing to inherit.

Although all the fruits of the wife's activities belong to the husband, most men do not require that their rights be rigidly respected. They leave a part, or the whole, to the family of the [446] deceased, as is done in the case of a widow. (1) After the

1. See the previous article.

least at the end of mourning, the two clans make an inventory of the property in question. Usually whatever products of her work the woman has left are divided equally between the two clans. Some

men are generous enough to renounce all of it. If the deceased had an *ohika*, or if the parents-in-law give their son-in-law a substitute, the possessions fall to her. She even inherits the fields [*culture*] that have been set up by her kinswoman, to the extent that they have not been destroyed. Under other circumstances the cultivated lands [*plantations*] are never left to the family of the deceased.

The only items to which a woman is entitled strictly speaking are the various portions of the bride price and similar payments awarded to her by Nkundó law: goats and spiral bands and the mother's gifts as part of the bride price; the cloth and belt given at a funeral. At a wife's death these possessions pass to her clan, if she has not previously given them to her relatives. In no case may they be appropriated by the husband.

Finally, when a wife dies she may leave a tool (knife, hoe, etc.) to her daughter. This custom is observed particularly by very active women in order to inculcate their daughters with the love [52] of work. Such an object often became an heirloom, transmitted from mother to daughter for several generations. It is called *lomikiyɔ́* (from *nikela*, "to leave to"; see the Latin *reliquiae*) or, among the Bambwenja, *elili*. These terms are also applied to other objects included in the inheritance when these are considered separately (altogether they are called *lokoto*, "patrimony," "property," or *lisengɔ*, "inheritance"). Such a *lomikiyɔ́* can never be appropriated by a husband. (001)

Article VIII

Death of the Fiancé Before the Payment of the Bride Price

If [53] there we shall deal with the situation resulting from the death of a husband during the engagement, after the payment of the *ikitɔ́* or the *nkenga* but before the *wasa*. The procedure for dissolving an engagement may already lead us to suppose that death also breaks it without any special difficulties. And in fact, if the fiancé dies the woman is free. Therefore she may go home, and the family of the deceased is reimbursed for the payments that have been made.

She can also remain in her fiancé's family and there be taken in marriage by one of his kinsmen. If everything favors the continuation of the union, the new husband-to-be pays the bride price, but he need not repeat the engagement payments, which retain their validity. If he belongs to a distant branch of the family, however, the kin of the deceased will not want to give up their property, and the new fiancé himself will have to acquit himself of all the bride-price obligations, beginning with the ikulí.

Sometimes the dying man, in making his last requests, enjoins his family to maintain the alliance. In that case one of his kinsmen must marry the woman. If later on a breakup becomes inevitable, the spouses separate. For that matter, if the woman lacks the inclination to remarry in her fiancé's kin group, she will not be forced to do so.

This practice is based on the stipulation of Nkundó law that engaged persons have all the duties and privileges of married couples.

There is nothing among the Nkundó that resembles a levirate. Even in the case we cited of a last will, the obligation derives solely from the sacred nature of that will. [448]

Article IX

The Death of the Woman Before the Payment of the Bride Price

Two situations must be distinguished: 1) The woman dies during the engagement; 2) she dies before the bofongo.

1. Before the wala

As has already been said, engaged persons enjoy all the duties and privileges of a married couple. If the girl dies the fiancé must fulfill all obligations toward the deceased and her family (transporting the corpse, sacrifices, nkunji). But his obligations do not end there.

Through the payment of the nkanga (and, in practice, already through the ikulí) he is considered responsible for any accident that might befall his fiancée in his home; and he has assumed the

obligation of completing the union by subsequent payments.

The consequence of this fact is that if the fiancée dies before he has fulfilled his obligations, he is forced to pay a large indemnity (mbólaka) to his parents-in-law, who have been disappointed and deprived of their rights. The amount of this payment varies. Usually it is about equal to what ordinarily would have been paid as the walo, whence comes the expression used in these cases: ónga ilíkâ (ikombe among the Inóngó and the Boóngí), "to pay the bride price for the corpse."

Sometimes the woman's family is less demanding. This is especially true if they are very fond of their son-in-law and know that he is wealthy and generous enough to considerably increase the amount of the nkunjí, the ibóleóko, and the bride price for a substitute. The principle of the indemnity is secure, but its external form is altered and made less humiliating.

In other cases the woman's family raises the amount to be paid as indemnity, either out of greed or because they are not pleased with the union or even opposed to it (this happened rarely in the past but has become more frequent nowadays). [448] Under such circumstances, up to 100 and 150 rings are demanded, as in the following instance which occurred quite recently. Ilumbé of Mpámá (Boóndé) took Lokoká of Bongíli wá Nóongó for his wife. He paid 10 rings as ibalá-ndonga. When some time later he brought 40 rings for the walo, his father-in-law considered them insufficient (and he was entirely right). The small amount of valuables showed the son-in-law's poverty and foreshadowed his insolvency, so Lokoká's family was not greatly pleased with the marriage. Consequently, they refused to accept the rings, which therefore remained on deposit with the ndonga. After two years of cohabitation, Lokoká died (July 16, 1933). The family of the deceased demanded 100 rings. Ilumbé could not invoke any excuse or attenuating circumstance. For if he had wanted to fulfill his obligations, he could have done so, as the interval was long enough, and if he knew he did not have the means, he should have given up the woman.

In the past the widower and his family sometimes refused to pay, with the result that the parties took up arms. The right of war was involved. For when the hostilities ended, the culprit was required to indemnify all the families on his side for any member who was killed or wounded. Therefore he ran the risk of seeing all his property confiscated and being sold as a slave if they did not suffice. He found it was wiser simply to submit to normal sanctions rather than run such serious risks.

The situation with which we are dealing in this article may involve further complications if the woman has been living with her own family, or if she belongs to another man whose bride price has not yet been refunded. But it is preferable to deal with these complications in separate articles.

1. Before the lopango

If the woman dies before the lopango is paid, the widower is not required to pay an indemnity. However, he must complete the bride price by handing over "the slave," [410]

If he does not do so: (1) the alliance is broken ipso facto, and therefore he cannot bring the ibilelako and does not receive a substitute; 2) the family of the deceased is entitled to one of the daughters if there are any, or to one of the boys if there are none. This is a compensation for the loss of the lopango.

Naturally, the woman's family can in practice refrain from claiming their rights. Thus, they may do so out of regard for their son-in-law who is influential, generous, and well disposed toward them, in anticipation of greater financial and social benefits. The similar remarks made throughout this study have already familiarized us with the "broad-mindedness" of these peoples.

It might be observed that this situation is in no way different from the preceding one, since the woman's family is indemnified in either case. But, first of all, if the woman has left no children, the situation is not at all identical. Secondly, even if the financial aspect of the two situations is the same, the legal aspect is entirely different. The taking of a child and the refusal to accept the ibilelako are not considered as compensation. The

Nkundó categorically state that the situation now under discussion does not result in the payment of an indemnity.

This observation again brings out the basic difference between *jengí* and *lwelongo*, which we have already discussed in Chapter II, Article IX, 2 and Article XII, 5, and suggests that the *wálo* constitutes the marriage agreement, whereas the *lwelongo* is the substitution of a person for the one that is lost to the clan through the marriage of one of their members.

Article X

A Woman's Death at the Home of Her Own Family

We have already drawn the reader's attention several times to the fact that a husband is responsible for his wife because, in accordance with the clan agreement between the families, she "belongs" to him. [451] The consequence of this stipulation of Nkundó law is that the husband assumes all risks relating to the wife; hence he must take upon himself all the damages resulting from her death. There are exceptions to this general rule, however, under the following two circumstances:

1) If the wife dies while at the home of her own family.

2) If the wife dies after having left her own husband for another.

In this article we will examine the first of these two possible situations, leaving the second one for the next article.

If a wife dies while at her own family's home, an exception is made if certain conditions are fulfilled. There are several situations possible:

1) The wife returns to her family because she is exasperated with the unfair treatment she receives from her husband. He may not be fulfilling his duties toward her, may be mistreating her unjustly, etc., as we have seen in Chapter VI, Article III. The situation becomes unbearable. In that case the husband is clearly in the wrong, and the wife has the right to seek a little peace in her parents' home. Under such conditions, if she dies before the

If husband has come to take her back through arranging a palaver by means of a bodinda, he has no right to complain. He himself brought on such difficulties by his unfair way of behaving. He is obliged to make the funeral payments. Because of the strained relations between him and his father-in-law, the affinal relationship is broken. That is why he will ordinarily refuse to pay the okunji, at least when he has had no children by this woman. If he omits the payment even though there are progeny, the children are taken from him by their mother's family.

This situation seldom arose in the past. Young and impetuous husbands were almost nonexistent. The old men kept the women for themselves. Age and experience with life had made them more settled, calmer, more reasonable, so they did not throw themselves into adventures [432] whose outcome were necessarily to their disadvantage. Since today men marry considerably younger, such situations can arise more easily; although, on the other hand, a permanent dissolution of the marriage occurs most frequently before the possible developments described.

1) The wife leaves her husband without just reason and, having returned to her family, dies there. In the past such a situation was quite rare (Chapter VIII, Article II, 1, A). If no war occurred before the death of the fugitive (a war automatically terminated the affair), the husband had every right to reimbursement or to a substitution of another wife for the deceased. The situation is therefore identical to the one that follows. But there is no longer any question of sending back the corpse, and if the husband wants to break the alliance permanently he does not even need to pay the okunji.

Nowadays this situation has become far more common. It presents no special difficulty; the ancient custom continues to be observed.

It is almost trifling to mention that the matter of total or partial reimbursement of the bride price can be handled through friendly transactions between the husband and his parents-in-law. The following case is typical: Bonjeli of Ilindo (Bonkoss) inherited Bodid, daughter of Lokilombé in Ebele of Bongenda. After some years she left her husband, returned home, and died. Her father

● Wif sent the notification gift and even added dogs to it, because he was interested in keeping the affinal relationship. The corpse was not seen since the woman had died of an infectious disease and the body was decomposing rapidly so that contagion was feared. Lokkikolid presented the widower with his youngest daughter Mbongó as a substitute. But since she was quite young, Bonjolé did not want her. He was satisfied with an indemnity because -- after all -- he too wanted to remain on good terms with his father-in-law. The latter sent him 22 rings as an ilongá (slave), and thus the matter was closed. [433]

Wif 433 Wif

If The wife has returned to her family on her own initiative in order to visit her parents, nurse them, or to participate in her family's communal fishing, to get her supply of edible caterpillars, or for any other reason, In such a case the responsibility passes from the husband to the parents. The family must notify the husband of the death (always, of course, through the nkongo). When the husband receives the news he accuses his parents-in-law, saying: Ndimbemole wolf, "You have killed my wife." He demands that the corpse be sent to him so that he can wash it, adorn it in an appropriate manner, and mourn for the deceased. Subsequently he sends the corpse back with the nkongo and demands that another wife be substituted for the deceased or, if none is available, that the bride price be returned to him. As long as his father-in-law does not fulfill his obligations, the husband will not bring the funeral payments. Moreover, if the family of the deceased is recalcitrant or too slow, he will practice ndimbi, that is, he will hold one of his kinswomen who is married into the clan of the deceased in order to obtain her bride price. In this way he will obtain the valuables to which he is entitled, the two bride prices balance one another and the matter is settled permanently. In that case he generally retains all his rights over his children.

This solution applies on even stronger grounds if the wife's family themselves have called her home.

If the wife falls ill in her parents' home, it may happen that her husband wants to care for her himself.' He will demand

● 7kf a pledge (ndonge) from his father-in-law to the effect that the
672 illness started in his home. If he neglects to take this precaution
595 and his wife dies, he has no legal means to claim indemnification.

4) A solution identical to the one described above is applied even if a wife goes to her parents for her husband's personal benefit in order to get him something he needs, such as beer for a [454] feast, valuables with which to settle a palaver, etc. It holds true even if the husband has sent her expressly for this purpose.

This situation easily gives rise to violent disputes, however. The wife's family tries to reject the husband's claims by objecting that it is he himself who sent his wife, or at least that she came to them solely for his sake. Nevertheless, in the end the husband is the one who is right and who wins the case. (1)

> 1. A stay of twenty-four hours is not considered sufficient to place the civil responsibility for an illness, nor therefore for death, on the wife's family.

5) The wife goes home ill. As we have seen in Chapter VI, Article III, 2, the parents are not willing to nurse their daughter unless their son-in-law -- always through the ndonge -- gives them a ndonge in testimony of the fact that she was ill when she left him. The husband thus recognizes his responsibility for all possible consequences of the illness. Consequently, he can make no claims in case of death.

Since the civil responsibility for the death falls to the husband, the latter is notified by the ndonge, but the family does not send him a notification ring. The ndonge for the illness takes the place of this payment. The widower asks that the corpse be brought to him so that he can perform the last rites, and this request is always granted. There is nothing special about the rest of the procedure; everything takes place as if the wife had died in her husband's home.

6) The wife is repudiated by her husband. In the past this happened only if the woman behaved very badly and showed herself to be incorrigible. As we have seen in Chapter VIII, Article II, 1, no. 2, the husband did not send her back to her family; he

fastened her to a fork (etika) until he was reimbursed. Sometimes the ndonga intervened to free her, but by doing so he took upon himself the responsibility of making restitution of the bride price. In this last [463] instance, if the wife died in the home of her family, the husband was entitled to reimbursement just as he would be in case of a divorce. Thus we come back to the situation described under 2) and 3), the forms varying according to whether or not the widower wanted to continue the affinal relationship.

Nowadays the situation has changed entirely. The colonial administration no longer permits the use of the etika. Consequently, a man who wants to get rid of his incorrigible wife acts in such a way that she will leave him of her own free will. And the situation is again that described in 2).

If the husband has sent his wife away himself by placing her in the hands of the ndonga, his parents-in-law will refuse him an indemnity or any restitution of the bride price and often will not even accept the nkunji. They answer his demands by telling him that he should not have repudiated the wife whom he freely chose for himself. Thus most men resort to the procedure described in the next paragraph. There are circumstances, however, under which this mode of action is more difficult; this is so especially in the case of monogamists, since its execution requires several weeks, sometimes several months. In the interim the wife does as she pleases and neglects her husband, so that the latter practically finds himself a bachelor.

Evangelization has added a second difficulty. Catholic marriage is indissoluble. Catechumens and Christians who wish to marry must therefore be careful. Before admitting them to religious marriage, we require that at least the wala be paid. But the young men know the temperament and value of their fiancées only through experience. In almost every case therefore they have this experience at home before the wala, in accordance with their ancestral customs. Then, if one of the two parties is pagan (which happens very often), the disciplinary rules of the Catholic missions in the Congo require that they spend a minimum of six months

preparing at a mission station or catechumenate [456]. During the experimental period, the engaged pair sometimes find faults in each other which lead them to foresee a married life filled with difficulties and resulting in a breakup. Therefore it is preferable that they carry out the required measures before marriage. The woman is usually the source of the difficulties. The female sex has hardly been touched by evangelization, chiefly because pagan parents, who do not oppose the Christianization and education of their boys, take their revenge on the girls. What they fear particularly is the girls' opposition to premature marriages or their flight to the centers. For those people, therefore, it is almost impossible to get round the difficulty in such a way. As the situation is not provided for in traditional law and, furthermore, most of the natives who hold power are clearly indifferent, if not hostile, to evangelization and the stability of Christian marriage, these special circumstances are not taken into account in any way, to the great detriment of the young people who are thus caught between their consciences and their temporal interests (which in this instance have strong repercussions on their moral life). The attitude of almost all the chiefs and judges in this manner is not contrary to ancestral law -- since the situation was unknown -- but it is certainly opposed to the spirit of that law.

7) The couple go to the home of the wife's family together. Illness and death that come unexpectedly during such a visit are imputed solely to the husband, who retains all the risks except, of course, if the husband returns home but his wife does not follow him, remaining with her parents. Indeed in such a case we fall back on the solution described in 2).

8) Here we come back to the possibility indicated at the end of Article IX, 1, namely that of the wife who dies in her [457] family's home before the wake is paid. If the husband is in the wrong (see under 1), 5), and 7), the solution given in the article in question retains all its validity; the husband's "responsibility" remains intact. In the other instances it is reduced but not taken away. Actually, two laws are in conflict. On the one hand, there is the "responsibility" of the husband who has not fully acquitted

himself of his obligations, and, on the other, the "responsibility" of the woman who did not remain with her husband. To draw a comparison from the realm of accounting, there are two sides, debit and credit. But the latter lies chiefly on the side of the woman's family, for at the time of death the woman is not yet a wife in the full sense of the word. Consequently, the husband must pay an indemnity. But the fact that his *lisombo* died at home with her family is for him an extenuating circumstance as a result of which the indemnity is reduced, so that he need only pay about a half, that is, around 25 to 30 rings.

Conclusions

The explanations given may seem a little wordy. Nevertheless, it was useful to indicate all the diversity of possible situations in order to deduce the rule and to grasp the basis of the system from actual facts. Everything considered, it would thus appear that the husband assumes all risks with regard to his wife, and that he must bear all the damages resulting from her loss. She really belongs to him and not to her family in spite of any impression one may have that on the contrary the woman belongs more to her parents than to her husband. For even in the instances where she dies in her parents' home, having gone there for a justifiable reason, her death is considered an injustice toward her husband, since a wife's place is in the conjugal home. Such is the general rule. Exceptionally, in special instances defined by law, a woman's parents reassume the risks for her, that is, they again become responsible for her. [454]

Article XI

A Wife's Death in the Home of Another Man

Here we will consider what happens if a woman who has left her husband and gone to another man dies in the home of the latter before the restitution of the bride price to the former. Two situations may arise:

1) The wala may have been paid by the second husband, but restitution to the first husband may not yet have been made. The latter is entitled to reimbursement of the bride price just as he would be if the woman had not died (Chapter VIII, Article III), whereas the rules given in the preceding article are applicable to the new husband.

2) The wala may not yet have been paid; in that case the second husband must conform to the rules given in Article IV, 1 and Article X, 8). The first husband must recover the valuables to which he is entitled in accordance with the rules indicated in Chapter VIII, Article III.

Here are two recent instances:

Ilomf yâ Lokombe, daughter of Bomanza of Bonnie wâ Tôyâmonde (Bongili), was married to Bolaka of Nkilenjiki (Lowange, Bombwanje). One day she went to Bompumbâ to be baptized by the Protestant missionary. On her way back she was delayed by Ilumbâ of Ilonto (Bonkoso), who wanted to marry her. He gave Bomanza an ibuli. Shortly thereafter Ilomf died. Ilumbâ was obliged to pay a large indemnity, equaling the entire bride price, to Ilomf's father, who in turn had to reimburse Bolaka.

Amâdi, daughter of Nkilanga of Ilumf (Bongili) was married to Tôbjwa of Bolimbo. She left him for Bongingâ of Bosendâ, who paid the ibuli. One day when Bongingâ was returning from a trip, Amâdi ran to meet him in order to bid him welcome. But in her haste she struck the root of a shrub, stumbled, and fell. Her fall must have caused internal injuries, for she was forced to remain in bed and died shortly thereafter. Bongingâ was obliged [430] to pay an indemnity of 30 rings plus two slaves, or a total of 80 rings, to Nkilanga, who in turn reimbursed the first husband.

The case is comparable to that of a wife's death which occurs in her husband's home but is caused by another man -- who either had daily relations with her or caused a pregnancy which resulted in her death. The responsibility in either case falls upon the lover, who must indemnify the husband. The indemnity is always very large, equaling the amount of a bride price or more. (1)

1. See Chapter I, Part II, Article V, 1, and Chapter VI, Article VII, 6.

Colonization has given rise to a new legal situation which is not provided for in Nkundó traditional law. If a woman takes advantage of the freedom permitted her by colonial legislation and goes to a mission to obtain instruction and make a monogamous marriage, and then contracts an illness from which she dies (at the mission, in the hospital, or even in the home of her family -- a question of place which has no legal importance), we find ourselves confronted by an entirely new situation. The husband no longer considers the woman his wife since she has left him, even though theoretically she continues to retain that status. On the other hand, she has not gone back to her family or gone to live with another man.

Polygamous husbands want to throw the "responsibility" back upon the woman's parents. But actually they have no part in the events, and it is unfair to involve them in the situation.

They do not bring the mission into the matter. As a matter of fact, the mission performs a service to the woman and to society as a whole in trying to elevate it morally and culturally.

What should one think of this situation? In the preceding article we have seen that the husband assumes all risks in relation to the wife. Certain exceptions to this rule [468], which we have explained, have been formulated in Nkundó law; but outside of them, the law retains its dominion, since the exceptions are narrowly defined. Thus it applies to the situation with which we are dealing, and consequently the damages must remain on the husband's account.

Moreover, this interpretation is to be encouraged for the following reason:

The purpose of the legislation involved is to protect freedom in this matter of capital importance and to favor monogamy and the gradual abandonment of polygamy. Polygamists -- as a group -- must perforce suffer from it in one way or another. It is inconceivable that a struggle against an abuse would not affect the persons guilty of it.

Such cases are still very rare, but their frequency may increase with the progress of evangelization.

In terminating this discussion we must make one point that is related to both of the last two articles. The cause of death has no

legal importance. The solutions given are the same whether the cause of death be organic or criminal. If the latter is the case, however, the murderer must pay an indemnity, which is given to the person who has been wronged, whether it be the woman's husband or her family. In any case he thus satisfies the requirements of justice.

A woman may be murdered while she is visiting one of her husband's kinswomen in accordance with her husband's wishes. In that case the sister-in-law's husband bears the responsibility. He must indemnify the victim's husband, and he himself is entitled to indemnification by the murderer. To simplify this procedure, the murderer can make his payment directly to the widower; justice is still safeguarded. But in no case does the indemnity go to the victim's father, for legally and economically it belongs to the husband, not to the father, who is indemnified through the funeral payments. [461]

Conclusions

1) A marital union is broken by death only for the person who dies. For the one who remains alive, the dissolution is completed only after other procedures. If the husband dies the widow remains the wife of the heirs and is free only after restitution of the bride price has been made. At the death of the wife the husband can marry a substitute.

A widow's remarriage without restitution of the bride price (and therefore without a new bride price), or that of a widower with a substitute, is considered a continuation of a pre-existing union which has not been dissolved. This continuation is not absolute, however. Actually, it is perfect only in the case of the husband's death, in which case his kin group inherits all his rights and therefore also the rights to the wives he has acquired by means of his capital. On the other hand, if a widower is to continue the relationship after his wife's death, he must pay another bride price.

The difference between the two instances is due to the connection of the bride price with the "ownership" of a woman; she remains subject to it and as a result becomes legally the spouse

of her husband's heirs after his death. Only her own death takes all power away from the bride price, which then becomes a purely material value.

That is why the Nkundó expression "continuation of marriage" is ambiguous. For a widower the marriage continues from the standpoint of ties between families. But from the legal point of view there is a new marriage, since he pays a new bride price for the substitute, and there is therefore an entirely new contract. Only for a widow does the marriage really continue, as long as there is no divorce between her and the deceased husband's heirs. The agreement retains all its validity in her person, whereas the husband's obligations are transferred to the heirs. There is only a change of the persons subject to the agreement, which is therefore in no way annulled. The question here is a substitution in the role of husband. (462)

The preceding should be understood as relating to the financial agreement or bride-price contract as we have explained in Chapter III, Article IX. For the conjugal pact or consent agreement is annulled by death, since an heir as well as a widow must interpose new acts in order effectively to become man and wife. What the Nkundó call the continuation of marriage is therefore only the continuation of the bride-price agreement between the families, and not of the conjugal pact between individuals.

It would be desirable to have a moralist thoroughly examine the philosophico-theological validity of the continuation of this marriage after the death of one of the parties. Personally I think that for the widow, and on condition that nothing else opposes it, it is valid. For consent is expressed by the man through the payment of the bokoli and by the woman through the act of accompanying the man as his wife.

If 2) From the economic standpoint, death does not change the situation that existed during life. The various bride-price valuables remain in the hands of the respective parties. The difference between the consequences of death and those of divorce are therefore very clearly delineated, as was indicated in the Conclusion of Chapter VIII, Article III.

2: Huisseet--433 M-S (ca. 1930) 1936 FO32 Mongo FO32
Nkundo

3) These legal and financial rules confirm the conclusion drawn in Chapter VI, Article II and those that follow, that a wife belongs to her husband legally as well as in fact, even though she does not leave her clan.

4) They also support the conclusion of Chapter II, Article IX, 5, that for the marriage agreement the wala is the essential element among the various bride-price payments.

5) Finally, they demonstrate the legal priority of the conjugal union above the clan and family society in spite of facts that can often be observed which would appear to contradict this statement.

Chapter X

Children

A study of marriage would be incomplete without a chapter on the subject of children. Their procreation and education constitute the finis operis, the natural result of the married state, a state which for man, as a reasonable being, is the only legitimate form of carrying out the propagation of his species, the specific objective of sexual life.

This subject could be expanded more extensively than is possible here. We will pass in silence over a number of interesting facts related to it which fall outside the limits set for this work. For example, we will exclude the question of adoption, since it does not deal with children in connection with marriage, but only within the general rubric of family and society.

Even within these limits this chapter alone would comprise an entire volume were it treated with the fullness it merits. We must therefore confine ourselves to generalities and discuss only those particular situations which are most frequent and common.

As to the order of discussion to be followed in this chapter, and after a few preliminary notes (Article I), we will examine in succession:

Article II. Conception and pregnancy
Article III. Childbirth

Everywhere there were also abducted women and female slaves. These were simply sold. Furthermore women were bought and sold with women [as payment]. Also women who were inherited and no longer in the hands of their family were sold by their second, third, or other subsequent husband. In all of these cases, the family no longer came into consideration for the bride price. One would have to stretch the point in order to consider the sums paid in these cases as a bride price, and consequently as a native custom which one must respect.

One should have to assume that such a native woman remains a "bride" for her whole lifetime. It will be said that the woman consented to her sale by one man to the other.

Often this was indeed the case, but not always by any means, for children and slaves were also sold. Even the consent of the woman did not prevent it from being a sale; her consent was rather an extra transaction that simplified the sale of a human article of trade. It still remains woman trade.

The Inheritance. Upon the death of a polygynist, the burial ceremony was conducted according to the class and rank of the deceased. One or two or several [338] slaves were killed and buried with the polygynist in the same grave. Sometimes the arms and legs of these male and female slaves were broken, and then they were buried alive in the same grave with the body.

When these slaves still had family, it might happen that the family members, having learned of the unfortunate lot of their relative, would hasten from faraway districts to buy him or her free if it was not yet too late. Several Negroes have told us of these heartbreaking scenes at which they were present as children. The mourning and the lamenting over the dead lasted from a week to a month.

The eldest son immediately succeeded his father in position and immediately took one of the wives of his father.

The other sons divided among them the houses and knives of their father.

If the deceased had left no son, or if he was still too young, the eldest brother succeeded the deceased. All of the wives had to remain in their own house, except the wife who was immediately taken by the eldest son. They were obliged to await the day of the distribution. This day was put off for from one to four months.

Meanwhile, these wives were subjected to a certain discipline. They were called Hiruko, which we translate here as "widow." During this time they were allowed to speak with the relatives of the deceased, but they had to remain at home; it was not permitted for anyone to take them wives.

When the time came for the distribution, the one in charge, namely, the son or the brother of the deceased, called together the heirs and parties concerned. On the day of the distribution, in the morning before dawn, the hiruko left their dwelling place and went to the man with whom they had already come to an agreement, so that by daybreak all the huts of the hiruko stood empty. Each of the wives of the polygynist usually has her own hut. At the appointed hour, the meeting was announced by the usual beating of the tomtom. The wives, the heirs, and all parties concerned then came together.

If there were many wives to distribute, the order of distribution was as follows: in the first place the brothers of the deceased received their share; in the second [560] place came the sons; and in the third place, the grandsons, that is, the sons of the daughters who received their share from the hiruko of their mother. If at this time the wife did not want to go with the man for whom she was designated, she was sold to another. Sometimes the family of the wife was not satisfied with that, and if they could, they gave the bride price back in order thereby to free their daughter or sister. Such a wife then came back to her family, where, however, she was again married in return for another bride price. The family acted thus to prevent its daughter or sister from simply being sold. When the grandsons were still too young, their share of the hiruko of their mother went to their uncle, the son of the deceased. The latter had then to provide a wife for them later, which he usually never did without making a great deal of trouble. If the daughters had no sons who could inherit their hiruko, they received some of the father's personal property as inheritance: goats, dogs, lances, knives, pots, etc. If the deceased had left a daughter but no sons or brothers, the daughter had to supervise the distribution of the inheritance.

Our civilized idea that the wife, the mother of the family, is the first heir, is thus not taken into consideration there. Indeed, the wife, the mother herself, is inherited if she is not too old.

744 crypt would then be barred by men in order to leave it as a hollow chamber, and
743 the hole leading down to it filled in with earth.

For a month or two after the burial the festivities and orgies continued. Women
744 would be hanged to create some diversion, but these hanged ones not ones. Decapi-
742 tations would continue. According to the informants only slaves brought in from
747 a distance would have to be tied to prevent their escape. The slave members of the
household of the dead whose would await their turn zealously, content to die that
(158) they might accompany their master in his journey to the land of spirits. This may
be true but scarcely seems possible. Still another diversion in the funeral orgies
was killing in the manner known as *cassia*. If some man who had a slave did not
wish him to be hanged or beheaded, he might give him for this other method. As the
weeks slipped by, such a one, his life having apparently been spared, would suppose
that all was safe and that there was little chance of his being taken, and, thus
emboldened, would, instead of keeping at a safe distance, join the crowd to watch a
beheading. His death would be prearranged. At the moment of beheading a victim,
someone would drive a spear into the unsuspecting man, the whole crowd then
using spears and knives to stab and slash until he fell. Some might be tortured to
death by being buried up to the neck and left thus exposed to the hot sun without
food or water until death intervened, but this was not a common practice at such
funerals.

● 748 The nomination of the dead whose's affairs took place when the division of the
inheritance was made, a long and complicated process.

778 Such were the old days before European penetration. The advent of the white
624 men half a century ago was the beginning of the end. The ceremonies had to be
given up, though reluctantly. Occasionally now goats are beheaded in place of
human victims, and many of the younger generation feel that, even so, the sight is
more than they can endure, and they seek refuge elsewhere. Nkumu are not anxious
for the honours. They find little or no support paid to them by the government
officials and this is a distinct obstacle to their obtaining honour from their own
people. When the whose resident in the village adjacent to the mission station died,
one of the Natives was asked who would be next. The reply was that probably no
one would appear as a successor. Asked why, he answered, "There are too many
Europeans." He meant that too many were adopting the ways of the white man to
(619) make the inauguration of another whose a success. In his one useful function, that
of judge, the paramount chief now takes his place, cases tried must be recorded by a
clerk of the court, and fines paid into the treasury of the district. With such a
state of affairs the old ways drop into desuetude, and the younger generation grow
up knowing less of the ways of their fathers as the years pass.

He represents the A-group in the council of elders of the village and of the other large units. Since no members of the group are considered capable of conducting affairs, all the legal transactions which they undertake are treated as though they had been sanctioned by the patriarch. To a large extent the members of the group may represent one another. In the absence of the elder, a younger member may act as the representative of the group at council meetings. When the senior member dies, his function will be taken over by the next oldest member of the group.

An A-group will split up only through internal conflicts which cannot be bridged or through a large population increase. The newly-formed A-groups continue to maintain a close relationship which, at first, is much closer than among the B-groups whose A-groups have split much earlier. In the higher units cohesion after the split diminishes only gradually; thus many gradations develop in the feeling of cohesion. These gradations could not be even approximately reproduced in a diagram with any degree of exactitude. There is no formula by which the split takes place, as there is, for example, among the Tallensi (13)

13. Fortes, The Dynamics of Clanship, p. 34 f.

where it is determined by a certain number of generations. Theoretically the A-groups are "eternal." The A-groups are subdivided into small families. Within the polygynous families nuclear families (Familienkerne) (14) have a relative independence

14. Thurnwald, Menschliche Gesellschaft, Vol. 4, p. 12.

position economically. Each wife has her own house. A husband's wives and the wives of his sons have their houses within the same homestead. As the master of the homestead, the father has an open shelter where the men spend their time and hold their meetings. Upon the death of the master of the

homestead, it is deserted by the inhabitants. On the new dwelling site the sons each build their own shelter. In contrast to the groups of the type A-E, the group living within a homestead is finite: its existence ends with the father's death. Only a man whose father (in the European meaning of the term) has died may have a shelter. Thus the homestead community is interposed between the A-group and the small family.

To sum up the characteristic features of the A-groups: Membership determined by male descent; unity of legal power, especially insofar as landed property and inheritance law is concerned the senior has full power; succession by simple seniority; theoretically unlimited existence of the group. The A-groups consist of small families who live together in homesteads under one father in each case.

Groups of Rank B

There is usually a friendly, neighborly relationship between the A-groups which form part of a B-group. People assist each other to a large extent, and there is joint consultation on most matters. Group B has only one highest right, "master of the hidden power," the priest of the kinship group, who is consulted by all the members of the group. He functions during the magical preparations for the hunt; he is consulted before any important undertaking. During the leave-taking ceremony after a burial, he converses with the deceased, and people turn to him when the ancestors have appeared to them in their dreams to transmit their desires, orders, or other information to the living. He protects the people of his group from the ill will, [193] of the dead and the living. The priest of the kinship group is used as the criterion [194] to determine which group of heterogeneous A-groups represents a B-group. The priest of the kinship group is descended from a certain one of the related A-groups.

There is a difference in rank among the A-groups of a B-group -- one group will be regarded as older -- but this is